

**MEMO ENDORSED****NEWMAN FERRARA LLP**

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October 18, 2012

VIA FACSIMILE (914) 390-4298

Honorable Edgardo Ramos  
United States District Court Judge  
United States District Court for the Southern  
District of New York  
United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

Pre-motion conference to be held on  
Nov. 1, 2012 at 11:00am. Opposing  
counsel to state position by letter  
(not to exceed 3 pages) by Oct. 26,  
2012. Dated: Oct. 19, 2012

**SO ORDERED:**

  
HON. EDGARDO RAMOS  
UNITED STATES DISTRICT JUDGE

Re: *Jane Roe, et al. v. Empire Blue Cross Blue Shield, et al.*,  
Case No. 12 cv 4788 (ER)

Dear Judge Ramos:

We represent the plaintiffs in the above matter. We write to respectfully inform Your Honor about the Second Circuit's decision in *Windsor v. United States*, Docket No. 12-2335, published earlier today in which the court declared Section 3 of the Defense of Marriage Act "DOMA" unconstitutional.

In light of the *Windsor* decision, Plaintiffs intend to file a motion for a preliminary injunction declaring that the Defendants are precluded from denying Plaintiffs health insurance benefits because they are a same-sex married couple. Accordingly, Plaintiffs respectfully request a pre-motion conference to discuss the proposed motion with the Court and counsel.

Thank you for your consideration of this matter.

Respectfully yours,

NEWMAN FERRARA LLP

  
Jeffrey M. Norton

cc: All Counsel of Record (via fax)

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